



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,518	06/14/2001	Ralph Lipe	M61.12-0332	7755

7590 10/18/2004

Steven M. Koehler
WESTMAN CHAMPLIN & KELLY
International Center
900 South Second Avenue, Suite 1600
Minneapolis, MN 55402-3319

EXAMINER

AZAD, ABUL K

ART UNIT	PAPER NUMBER
----------	--------------

2654

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/881,518	Applicant(s) LIPE ET AL.	
	Examiner ABUL K. AZAD	Art Unit 2654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 14-31 is/are rejected.
- 7) ☒ Claim(s) 11-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/16/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-31 are pending in this Office Action.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Profit, Jr. et al. (US 6,636,831).

As per claim 1, Profit teaches, “a method of notifying a speech related application of events generated by a speech related engine”, comprising:

“receiving a notification selection from the application at a middleware component between the application and the engine, the notification selection being indicative of a selected notification mechanism, selected by the application, for notifying the application of the events” (col. 6, lines 44-56);

“receiving an event indication from the engine, the event indication being indicative of an event generated by the engine” (col. 7, lines 58-65); and

“notifying the application of the event indication from the middleware component according to the selected notification mechanism” (col. 6, lines 44-61).

Art Unit: 2654

As per claim 2, Profit teaches, "receiving the event indication from the engine according a predetermined notification method regardless the selected notification mechanism selected by the application" (col. 7, lines 44-57).

As per claim 3, Profit teaches, "transferring the event indication from the middleware component to an output device" (Fig. 3, element 40).

As per claim 4, Profit teaches, "when the output device reaches a predetermined distance from the event in the data stream, notifying the middleware component; and transferring the event indication back to the middleware component" (col. 7, lines 32-56).

As per claim 5, Profit teaches, "wherein the predetermined distance comprises a predetermined offset in the data stream prior to the event" (col. 12, lines 26-57).

As per claim 6, Profit teaches, "wherein the event identifier identifying the event and wherein transferring the event indication back to the middleware component from the output device is performed regardless of whether the output device correlates the event identifier to the event identifies" (col. 11, line 56 to col. 12, line 22).

As per claim 7, Profit teaches, "prior to notifying the application, receiving interest indication from the application indicative events generated by engine receive notification.

As per claim 8, Profit teaches, "determining whether the application is to be notified based on the interest indication and the event identifier; and so, notifying the application" (col. 7, lines 32-65).

Art Unit: 2654

As per claim 9, Profit teaches, "after selection from the application, initializing a notification assistance component to notify application according to the selected notification mechanism" (col. 7, lines 32-65).

As per claim 10, Profit teaches, "transferring the event indication to the notification assistance component; and notifying the application from the notification assistance component of the event indication" (col. 7, lines 32-65).

As per claim 14-31, they are interpreted and thus rejected for the same reasons set forth in the rejection of claims 1-10.

Allowable Subject Matter

4. Claims 11-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abul K. Azad** whose telephone number is **(703) 305-3838**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richemond Dorvil**, can be reached at **(703) 305-9645**.

Art Unit: 2654

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

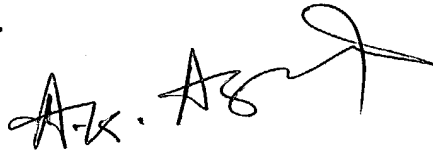
Or faxed to:

(703) 872-9314

(For informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to 2121 Crystal Drive, Arlington,
VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should
be directed to the Technology Center's Customer Service Office at telephone number
(703) 306-0377.

A handwritten signature in black ink, appearing to read 'A.K. Azad', with a stylized flourish at the end.

Abul K. Azad

October 7, 2004